

NOTICE: Summary decisions issued by the Appeals Court pursuant to its rule 1:28, as amended by 73 Mass. App. Ct. 1001 (2009), are primarily directed to the parties and, therefore, may not fully address the facts of the case or the panel's decisional rationale. Moreover, such decisions are not circulated to the entire court and, therefore, represent only the views of the panel that decided the case. A summary decision pursuant to rule 1:28 issued after February 25, 2008, may be cited for its persuasive value but, because of the limitations noted above, not as binding precedent. See Chace v. Curran, 71 Mass. App. Ct. 258, 260 n.4 (2008).

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT

18-P-709

COMMONWEALTH

VS.

NISSIM TRABELSI.

MEMORANDUM AND ORDER PURSUANT TO RULE 1:28

According to a police investigation, the defendant was in a dispute with the town of Natick and abutters over his construction on a piece of land. The defendant gave the abutters forged court documents that led them to believe that they were being sued, and threatened them to coerce them into speaking on his behalf before the Natick planning board. He was charged with four offenses.

The defendant pleaded guilty to one offense, intimidating a witness, in violation of G. L. c. 268, § 13B. The other three charges were dismissed at the Commonwealth's request. On the day after he pleaded guilty, the defendant moved to vacate his guilty plea. He did not explain his ground or grounds. The judge who accepted his guilty plea denied the motion because the defendant received a complete colloquy; knew his rights;

voluntarily, willingly, and knowingly waived them; had a lawyer; and the charge had a factual basis. See Commonwealth v. Williams, 71 Mass. App. Ct. 348, 354 (2008).

The issue before us is not the merits of any land dispute between the criminal defendant and abutters. We do not sit as a trial court to adjudicate on submitted documents who is right and wrong in this dispute. As an appellate court, we will grant the defendant a new trial, if warranted, because of some error in his guilty plea. See Commonwealth v. Furr, 454 Mass. 101, 106 (2009). The defendant does not brief this issue. See Mass. R. A. P. 16 (a) (9), as appearing in 481 Mass. 1628 (2019). Rather, he appears to argue that he should be allowed to withdraw his guilty plea and receive a criminal trial on the ground that he was more meritorious than his abutters in various land disputes with them. That does not render his guilty plea infirm and is not a ground on which he can withdraw it.

Order denying motion to
withdraw guilty plea
affirmed.

By the Court (Desmond,
Sacks & Lemire, JJ.¹),


Joseph F. Stanton
Clerk

Entered: June 17, 2019.

¹ The panelists are listed in order of seniority.